

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Rivers, Lakes, and Streams Act is amended by  
5 adding Section 24a as follows:

6 (615 ILCS 5/24a new)

7 Sec. 24a. Waukegan Harbor.

8 (a) No agency of the State of Illinois, other than the  
9 Illinois Environmental Protection Agency, shall enter into any  
10 contract or incur any obligation or expend any moneys for the  
11 purpose of dredging or cleanup of the approach channel, outer  
12 harbor, entrance channel, inner harbor (or inner basin), or  
13 inner harbor extension (or inner basin extension) of Waukegan  
14 Harbor that would result in a decrease of the channel depths of  
15 -18 feet low water datum. These portions of Waukegan Harbor  
16 shall be maintained with a minimum channel depth of -18 feet,  
17 and shall allow for greater depths if authorized by federal  
18 law. The harbor shall be maintained as a commercially navigable  
19 harbor that is accessible to commercial vessels and to those  
20 seeking a harbor of refuge for safety purposes.

21 (b) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to

1 make or promulgate rules to implement or enforce the provisions  
2 of this amendatory Act of the 95th General Assembly. If,  
3 however, the Governor believes that rules are necessary to  
4 implement or enforce the provisions of this amendatory Act of  
5 the 95th General Assembly, the Governor may suggest rules to  
6 the General Assembly by filing them with the Clerk of the House  
7 and the Secretary of the Senate and by requesting that the  
8 General Assembly authorize such rulemaking by law, enact those  
9 suggested rules into law, or take any other appropriate action  
10 in the General Assembly's discretion. Nothing contained in this  
11 amendatory Act of the 95th General Assembly shall be  
12 interpreted to grant rulemaking authority under any other  
13 Illinois statute where such authority is not otherwise  
14 explicitly given. For the purposes of this subsection, "rules"  
15 is given the meaning contained in Section 1-70 of the Illinois  
16 Administrative Procedure Act, and "agency" and "agency head"  
17 are given the meanings contained in Sections 1-20 and 1-25 of  
18 the Illinois Administrative Procedure Act to the extent that  
19 such definitions apply to agencies or agency heads under the  
20 jurisdiction of the Governor.